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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-first session

SUMMARY RECORD OF THE 1524th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 5 August 2002, at 10 a.m.

Chairman: Mr. DIACONU

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The meeting was called to order at 10.15 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the sixty-first session of the Committee on the Elimination of Racial Discrimination. He welcomed Mr. Ramcharan, Deputy United Nations High Commissioner for Human Rights.

STATEMENT BY THE DEPUTY UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. RAMCHARAN (Deputy United Nations High Commissioner for Human Rights) said that Mrs. Robinson, the High Commissioner for Human Rights, had asked him to convey her good wishes to the Committee. The work of the treaty bodies was central to the enhancement of human rights, in particular in fostering dialogue with Governments with regard to the creation of national human rights systems. In a world in which racial conflicts abounded, the work of the Committee was essential to the attainment of peace.

3. The Committee's second thematic expert discussion would be held during the current session, and would focus on the issue of descent-based discrimination. The term "descent", though mentioned in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, had not always received the attention it deserved, and its interpretation had sometimes led to misunderstandings. Since 1996, the Committee had adopted a broad interpretation of the concept, positing that it referred not only to race but also to caste. That interpretation had been taken up by other United Nations bodies, including the Human Rights Committee, the Committee on the Elimination of All Forms of Discrimination Against Women, the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, and the Sub-Commission on the Promotion and Protection of Human Rights. According to the working paper on discrimination presented by Mr. Goonesekere to the Sub-Commission, more than 250 million people throughout the world were affected by descent-based discrimination. Many non-governmental organizations (NGOs) representing the victims of descent-based discrimination would testify at the thematic discussion to be held later that week; he congratulated the Committee for providing them with the opportunity to do so. He hoped that the discussion would result in the adoption of recommendations that would provide States parties with support and guidance on ways to ensure the elimination of that form of discrimination.

4. The Committee would be reviewing its working methods during the session; in that connection, he informed it that both the Committee against Torture and the Human Rights Committee had adopted new procedures under which one or several experts would serve as rapporteurs in charge of monitoring compliance with their concluding observations, and that the Office of the High Commissioner for Human Rights was developing a treaty bodies recommendation unit, which would address the need for increased follow-up to concluding observations and recommendations, and for greater dialogue among treaty bodies.

5. An expert seminar on the formulation of draft guidelines for a human rights approach to poverty reduction strategies had been held in June 2002, within the context of the effort

undertaken by the United Nations during the previous five years to integrate human rights into all areas of activity. One of the key draft guidelines concerned the link between poverty and discrimination, in particular the subjection of the poor to discriminatory attitudes merely because they were poor, and the need for anti-discrimination measures or affirmative action measures by Governments. He was confident that the Committee would make a constructive contribution to the discussion on the draft guidelines, which would be circulated to members during the current session.

6. He welcomed the exchange of views to take place during the current session between the Committee and Mr. Miloon Kothari, the Special Rapporteur on Adequate Housing. In his view, the link between racial discrimination and the violation of economic, social and cultural rights deserved more ample investigation.

7. In response to Commission on Human Rights resolution 2002/50 on integrating the human rights of women throughout the United Nations system, the Office of the High Commissioner for Human Rights had recently adopted a gender mainstreaming strategy, which provided a framework for the integration of gender perspectives into its activities. The Committee's General Recommendation XXV on gender-related dimensions of racial discrimination attested to its sensitivity to that subject. He encouraged the Committee to continue its efforts in that regard, and assured it of the secretariat's support.

ELECTION OF A NEW COMMITTEE MEMBER

8. The CHAIRMAN said that Mr. Fall had been appointed Minister for Foreign Affairs of Guinea, and had therefore resigned from membership of the Committee. He wished Mr. Fall every success in his new post. A new candidate, Mr. Mohamed Aly Thiam, also from Guinea, had been proposed for election.

9. Mr. Thiam was elected by acclamation.

The meeting was suspended at 10.30 a.m. and resumed at 11.15 a.m.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CERD/C/432 and annex)

10. The CHAIRMAN said he took it that the Committee wished to adopt the provisional agenda, which appeared on page 2 of document CERD/C/432.

11. The agenda was adopted.

Tentative timetable for the work of the Committee

12. The CHAIRMAN, calling attention to the tentative timetable for the work of the Committee, contained in the annex to document CERD/C/432, said that Côte d'Ivoire, which had been scheduled for consideration under the review procedure for States parties whose reports were seriously overdue, had recently submitted a report. He proposed that the Committee should defer consideration of that report to the next session, by which time the report could be translated and circulated.

13. In addition, the Committee had received a letter from Tajikistan stating that it intended to start working on its initial report to the Committee, and on reports to other treaty monitoring bodies, during 2003; it had not, however, specified a date for the submission of the report. In the view of the Bureau, the Committee should agree not to discuss the situation of Tajikistan during the current session, and should address a letter to the Government requesting a report by March 2003 for consideration at the August 2003 session.

14. Mr. RESHETOV, supported by Mr. ABOUL-NASR, said that Tajikistan was in a situation of great difficulty; he did not believe that a deadline would be useful. In his view, the Committee should request the Government of Tajikistan to give priority to its initial report to the Committee, and should inform it that the situation in that country would be reviewed whether or not a report was submitted.

15. The CHAIRMAN suggested that the Committee should propose to the Government of Tajikistan that it make use of the consultative services offered by the United Nations in the preparation of its report. The Committee would request Tajikistan to give priority to its initial report, but would not specify a deadline.

16. The Government of Saudi Arabia had requested that consideration of its initial and second periodic reports (CERD/C/370/Add.1) should be postponed to allow for further amplification. He suggested informing it that discussion of the report would be re-scheduled for March 2003.

17. With regard to Albania, which had failed to honour its commitment to submit a report to the current session, he invited the Committee to consider sending a letter urging it to provide one by the end of 2002.

18. Since Ecuador had now submitted a report, which would be considered at a future session, he suggested that its name should be removed from the list of countries whose reports were seriously overdue.

19. In reply to a request by Ms. JANUARY-BARDILL for a specific agenda item on reproductive health, he said that the issue could be adequately covered under agenda item 2.

20. Mr. SICILIANOS drew the Committee's attention to an important article that had recently appeared in *Human Rights Quarterly*, in which the Committee had been criticized for paying insufficient attention to violations of economic, social and cultural rights. He invited the Committee to consider including an item on economic, social and cultural rights in the agenda of its March 2003 session, with a view to convening a working group to discuss the adoption of a general recommendation. The criticism had been constructive and the Committee should react positively to it.

21. The CHAIRMAN pointed out in response to Mr. Sicilianos' suggestion, as well as to similar requests from other United Nations bodies, that many of the instances of racial discrimination that the Committee dealt with involved violations of social, economic and cultural rights. Nevertheless, more could be done in that direction and there could be no harm in placing the issue on the agenda, under "Organizational and other matters".

22. Mr. de GOUTTES said that a number of studies had been carried out by former Committee member Michael Banton in which he highlighted what he termed the economic, social and cultural indicators of non-integration of certain groups.

23. Mr. RESHETOV, supporting Mr. Sicilianos' observations, stressed the importance of cooperation with other United Nations bodies, for example the Economic and Social Council, in that regard.

24. Mr. ABOUL-NASR recalled that the issue had already been discussed in a number of United Nations forums, including the Third Committee of the General Assembly and the Human Rights Committee. Traditionally it had been difficult to reconcile civil and political rights with economic, social and cultural rights. In view of the violations of human rights that were being perpetrated in the wake of the tragic events of 11 September 2001, he believed that economic, social and cultural rights needed to be given higher priority.

25. The CHAIRMAN said that members' remarks pinpointed the need for the Committee, in its deliberations, to strike a balance between the different areas of human rights.

26. Mr. THORNBERRY said that he had not been aware that the Committee had been guilty of neglecting economic, social and cultural rights. However, the idea of a working group was a good one and it might even be linked with the presentation on adequate housing by the Special Rapporteur. Consideration might also be given to preparing a general recommendation on the relationship between racial discrimination and economic, social and cultural rights based on a number of the Committee's concluding observations.

27. The CHAIRMAN invited the Committee to adopt the programme of work contained in the tentative timetable, subject to the changes proposed at the meeting and to any further changes that might occur during the course of its work.

28. It was so decided.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

29. The CHAIRMAN said that he had received various requests for cooperation from other human rights committees, special rapporteurs and independent experts, examples being requests for the Committee's position on racial discrimination in the field of housing, on various issues to do with the realization of economic, social and cultural rights, on the rights of non-citizens, and also on the overlap between disability and racial discrimination, with a view to drafting a wide-ranging international instrument on disability. The secretariat had been instructed to circulate copies of the various requests, which members of the Committee should ponder and respond to as they saw fit.

30. Mr. KJAERUM said that a working group should perhaps be established to consider the more substantive issues raised, for example the question of disability.

31. Mr. RESHETOV said that the question of the rights of non-citizens was directly related to the Committee's forthcoming thematic debate on descent, and should be considered

accordingly. If it was true that plans were afoot to draft a general legal instrument on disability, the Committee should obviously seek to ensure that any such convention contained elements that reflected its principal concerns.

32. The CHAIRMAN suggested that Mr. Thornberry, Mr. Sicilianos and Mr. Kjaerum should look into the various requests and formulate appropriate responses. As to meetings of various forums that had been held since the Committee's previous session, a detailed account of the meeting of the persons chairing the human rights bodies and the inter-Committee meeting would be circulated shortly.

33. Mr. KJAERUM said that in April he had attended an international conference of human rights commissions (institutions) as part of the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, at which the workshop on the relationship between human rights treaty bodies and national human rights bodies had been particularly fruitful. Members of the Committee would receive copies of the recommendations made by the conference.

34. Mr. VALENCIA RODRIGUEZ said that in July he had attended a meeting of experts from the Latin American and Caribbean region, again as part of the follow-up to the Durban Conference. He would also ensure that the recommendations of that meeting were circulated to members of the Committee.

35. The CHAIRMAN said that written invitations had been sent to NGOs and States parties to the Convention to attend the forthcoming thematic discussion on the concept of descent. Input from NGOs, States parties and experts from other human rights bodies would be followed by a discussion among members of the Committee with a view to formulating a general recommendation.

36. In response to comments by Ms. JANUARY-BARDILL and Mr. ABOUL-NASR about the deterioration of services provided to the Committee, the CHAIRMAN said that their concerns would be conveyed to the secretariat.

The meeting rose at 12.25 p.m.